

Remarks

In response to the Examiner's Office Action, Applicant submits the following remarks.

Applicant notes the Examiner's reference to the transitional procedure of Rule 1.129(a), but believes this reference is erroneous as that procedure has not been invoked in this matter; rather, the Examiner apparently has issued a new non-final Office Action in reply to Applicant's appeal brief.

Regarding the Examiner's objection to the specification and rejection of claims under Section 112, first paragraph, for lack of enablement, Applicant disagrees with the Examiner's assertion that the specification does not disclose "transmitting an ambient noise containing channel of the matrix mixed audio signal to a speaker system to create a three dimensional effect." This is disclosed in the specification at page 6 line 9 et seq. explains that Virtual Enhanced Sound (VES) and Digital Cinema Sound (DCS) are post processing methods that manage the surround sound component of an audio signal, and that both techniques divide and sum aspects of the signal to create an illusion of three-dimensional immersion, and that VES enhances playback when the ambient noise or surround sound portion of the signal is conveyed only in the two front speakers, and DCS digitally coordinates ambient noise where rear surround speakers are used. At page 19, line 3 et seq., the use of VES and DCS on the surround channels is described referencing blocks 52 and 58 of Fig. 4.

The Examiner's objection to the claims appears to be that the claims reference transmitting "an ambient noise containing channel" whereas two channels are used by VES and

DCS. This has been corrected in the amendment presented above by referencing transmitting “ambient noise containing channels”.

Applicant thus submits that the Examiner’s objection on 112, first paragraph grounds has been avoided.

With respect to prior art, the Examiner has cited , as a primary reference against independent claims 1 and 29, Paisley U.S. Patent 5,530,760, asserting anticipation under 35 USC 102.. However, initially, Applicant has amended the present claims to clarify that they are directed to a digitally encoded audio signal. The sequenced processing of a digital signal is not shown by Paisley for the reason that Paisley does not, in the first instance, relate to a digital signal, but rather is directed to the processing of analog audio signals. Furthermore, Paisley does not disclose a matrix mixed signal that includes the variety of channels identified in the claim including a “surround channel”, “low frequency input channel”, “ambient noise containing channel” and “center channel”. To clarify that these channels are discrete components of the matrix mixed signal, Applicant has used the word “discrete” in referring to them, in the above claim amendment.

As Paisley does not relate to the sequenced decoding of a digital, matrix mixed audio signal with at least a surround, low frequency, ambient noise and center channel, Applicant submits that Paisley does not anticipate either claim 1 or 29, and this rejection must be withdrawn.

With regard to independent claim 10, the Examiner has issued a rejection for obvious under Section 103 based on Paisley. The Examiner asserts that it would have been obvious to

apply a headphone algorithm in the Paisley system. However, as noted above, Paisley is not directed to a digital audio processing system nor is it directed to the ordered decoding of discrete audio signals, both of which are recited in claim 10 as amended herein. Applicant thus submits that claim 10 is allowable over Paisley.

With regard to independent claim 17, the Examiner has made a rejection for obviousness under Section 103 based on Paisley in combination with Shennib, US Patent 5,825,894. With respect to claim 17, the Examiner asserts that Paisley discloses each recited element with the exception of a player console for receiving listener input, for which the Examiner has cited Paisley. However, neither Paisley nor Shinnib disclose, as noted above, a digital audio processing system that performs decoding of the array of discrete audio signals recited in claim 17, all of which are encoded in a digital audio signal.

With regard to independent claim 28, the Examiner asserts that Paisley discloses each recited element with the exception of a headphone algorithm and a player console for receiving listener input, for which the Examiner has cited Paisley. However, again, neither Paisley nor Shinnib disclose, as noted above, a digital audio processing system that performs decoding of the array of discrete audio signals recited in claim 28, all of which are encoded in a digital audio signal.

Applicant thus submits that claims 17 and 28 are allowable over the prior art cited.

As all claims are allowable given the allowability of independent claims 1, 10, 17, 28 and 29, Applicant requests early transmission of a Notice of Allowability.

A petition for extension of time is necessary to accompany this communication, please consider this paper a petition for a two-month extension of time, and apply the appropriate extension of time fee to Deposit Account 23-3000. If any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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